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First Named Inventor	S. Klopferstein
Art Unit	2614
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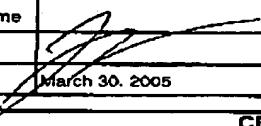
Attorney Docket Number

RCA 89,548

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Appeal brief for RCA 89,548		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

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Serial No.: 09/506,873

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

Applicant : Scott Edward Klopfenstein  
Serial No. : 09/506,873  
Filed : February 16, 2000  
For : A SYSTEM FOR ACQUIRING AND PROCESSING  
BROADCAST PROGRAMS, PROGRAM GUIDE AND  
CHANNEL IDENTIFICATION DATA  
Examiner : J. Sheleheda  
Art Unit : 2614

**APPEAL BRIEF**

May It Please The Honorable Board:

This is Appellants' Brief on Appeal from the final rejection of claims 1 – 20 and 24 - 29. Please charge the \$500.00 fee for filing this Brief to Deposit Account No. 07-0832. Appellants waive an Oral Hearing for this appeal.

Please charge any additional fee or credit overpayment to the above-indicated Deposit Account. Enclosed is a single copy of the Brief.

**I. REAL PARTY IN INTEREST**

The real party in interest of Application Serial No. 10/339,681 is the Assignee of record:

Thomson Licensing S.A  
46, Quai Alphonse Le Gallo  
92648 Boulogne Cedex  
FRANCE

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**II. RELATED APPEALS AND INTERFERENCES**

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/506,873 known to the undersigned attorney.

**III. STATUS OF THE CLAIMS**

Claims 1-20 and 24 - 29 are rejected and the rejection of claims 1-20 and 24 – 29 are appealed.

**IV. STATUS OF AMENDMENTS**

All amendments were entered and are reflected in the claims included in Appendix I.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 1 discloses, in a video decoder (Fig. 1), a system for acquiring information comprising a program conveyed on one of a plurality of broadcast channels (page 4, line 10 – 15). The system identifies an individual broadcast channel of the plurality of broadcast channels in response to user entry of either of, (a) a first channel identification number and (b) a different second channel identification number (page 4, line 12 – 18). Thereafter, the system tunes to receive the identified individual broadcast channel (page 5, line 27 – 34). The step of tuning includes determining the identified broadcast channel as being either analog or digital (page 6, lines 19 – 21) and acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of the identified broadcast channel when determined to be analog, and the program guide

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information is received from packetized program information of the identified broadcast channel when determined to be digital (page 6, lines 21 – 26). The tuning step further comprises acquiring the packetized program information comprising a program conveyed on the individual broadcast channel using the acquired program guide information (Figure 2, 120) and processing the packetized program information to be suitable for display (page 7 – 8 and Fig. 2).

Dependent claim 7 includes all the limitations contained in Independent claim 1 and further recites the second channel identification number is comprised of two elements, a major number and a minor number, and in the absence of user entry of said minor number a default minor number is used (page 11, lines 24 – 32).

Independent claim 12 discloses, in a video decoder, a system (Fig. 1) for acquiring packetized program information comprising a program conveyed on one of a plurality of broadcast channels (page 4, lines 29 – 36). The system includes the step of acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number, the acquired program guide being one of a plurality of different available program guides, and acquiring a second program guide, different from the first program guide, containing information mapping the second broadcast channel number to a second different channel number, the second acquired program being one of said plurality of different available program guides (page 12, line 36 – page 13, lines 21). Thereafter the system tunes to receive packetized program information transmitted on said first different channel in response to user entry of the first

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broadcast channel number using said acquired program guide (page 13, line 22 – 26). The system further acquires packetized program information comprising a program conveyed on the first different channel (page 13, line 21 – 26).

Dependent claim 15 includes all the limitations of claim 12 and further recites that the first broadcast channel number is comprised of two elements, a major number and a minor number, and in the absence of user entry of said minor number, a default minor number is used (page 11, lines 24 – 32).

Independent claim 24 discloses, in a video decoder, a system (Fig. 1 and Fig 9) for tuning to acquire packetized program information comprising a program conveyed on one of a plurality of broadcast channels identified by a physical transmission number corresponding to a virtual channel and a virtual channel identification number of the virtual channel including a major number associated with an information provider and a group of sub-channels and a minor number identifying a sub-channel from among said group of sub-channels (page 12, line 36 – page 13, line 21). The system comprises the step of navigating within a first list, including a plurality of broadcast channels, to identify and select a broadcast channel and an associated virtual channel identification number, in response to user activation of a first navigation control, wherein the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number (page 14, line 2 – 21). The system further provides for navigating within a second list of a group of sub-channels associated with said selected broadcast channel to identify and select a sub-channel and an associated minor number, in

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response to user activation of a second navigation control (page 14, line 22 – 32). Thereafter, the system tunes to receive a selected broadcast channel using the selected virtual channel identification number and acquires packetized program information comprising a program conveyed on the broadcast sub-channel using the minor number (page 14, line 33 – page 15, line 5).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The Examiner has rejected claim 24 as being anticipated under 35 USC 102(e) by Schneidewend et al. (U.S. 6,249,420).

The Examiner has rejected claims 1 – 6 and 8 – 11 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) in view of Newberry et al. (U.S. 5,625,406).

The Examiner has rejected claims 12 – 14, 16 and 18 – 20 as being unpatentable under 35 USC 103(a) over Klosterman et al (U.S. 5,550,576) in view of Sugiyama et al. (U.S. 6,313,886).

The Examiner has rejected claim 7 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) and Newberry et al. (U.S. 5,625,406) as applied to claim 1 and further in view of Vancelette (5,894,320).

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The Examiner has rejected claim 15 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) and Klosterman et al. (U.S. 5,550,576) as applied to claim 12 and further in view of Vancelette (5,894,320).

The Examiner has rejected claims 25 - 29 as being unpatentable under 35 USC 103(a) over Schneidewend et al. (U.S. 6,249,320) in view of Alten et al. (US2002/0049973A1).

The Examiner has rejected claim 17 as being unpatentable under 35 USC 103(a) over Sugiyama et al. (U.S. 6,313,886) and Klosterman et al. (U.S. 5,550,576) as applied to claim 12 and further in view of Wugofski et al. (US2003/0056216).

## VII. ARGUMENT

Schneidewend et al. when taken alone or in combination with Alten et al. and Sugiyama et al. when taken alone or in any combination with Klosterman et al., Newberry et al., Vancelette, or Wugofski et al. neither anticipates nor makes unpatentable the present claimed invention. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1 - 20 and 24 - 29 under 35 U.S.C. §§ 102(e) and 103(a) is respectfully requested.

### Overview of the Cited References

Schneidewend et al. discloses a video processing system and method whereby individual program channels are allocated first and second identification numbers. The first identification number is associated with an information provider. The second identification

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number is used in identifying a broadcast sub-channel from among a group of sub-channels associated with the first identification number. The first and second identification numbers in conjunction, are used in identifying data constituting a program transmitted on the broadcast sub-channel. The group of sub-channels are displayed along with the associated information provider in a hierarchical fashion for channel selection purposes.

Sugiyama et al. disclose methods and apparatuses for tuning television channels that transmit either PSIP Transport Streams or non-PSIP Transport Streams. Specifically, PSIP Transport Streams contain PSIP sections that include a major channel number and minor channel numbers, whereas non-PSIP Transport Streams do not contain such PSIP sections. However, both PSIP and non-PSIP Transport Streams contain PAT sections. Upon receiving a PSIP Transport Stream from a television channel, the present methods and apparatuses directly obtain the major channel number and minor channel numbers from the PSIP section contained in the PSIP Transport Stream. Upon receiving a non-PSIP Transport Stream from a television channel, the present methods and apparatuses form the major channel number and minor channel numbers based on the information contained in the PAT sections. In so doing, the methods and apparatuses can process both PSIP and non-PSIP Transport Streams.

Newberry et al. disclose analog and digital video signals that are each representative of a picture and may carry program guide information. A demultiplexer has the digital video signal as an input and the program guide information as an output. A demodulator has at least a luminance component of the analog video signal as an input and the program

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guide information as an output. A microprocessor, a video graphics adapter, the demultiplexer and the demodulator are interconnected by a data bus. Either of the program guide outputs is transferable to the video graphics adapter, which formats a graphics video signal representative of the program guide information. The graphics video signal and a selected one of the video signals are inputs to a multiplexer, which outputs a combined video signal representative of both the program guide information and the picture represented by the selected video signal.

Klosterman et al. provides a scheme for merging television schedule information received from multiple sources (26, 28, 30 and 34). In the preferred embodiment, a microprocessor (36) mixes and sorts the schedule information received from multiple source devices (26, 28, 30 or 34). The schedule information is then displayed in a television schedule guide (50). A user can select a program (60 or 62) by pointing to that program in the displayed schedule information (50). The system (10) then carries out an automatic switching/tuning such that the required source device (26, 28, 30 or 34) is input to the destination device (22), and a tuner is then tuned to the selected program's channel (52).

Vancelette discloses that a television viewer can select among a choice of available camera angles and audio feeds when viewing a sporting event such as a football game without changing the television channel. Audio, video and control data is transmitted in a packetized data stream with control data providing a pre-assigned channel designation (e.g., channel 10 for network X). A set-top terminal receives and processes the data stream

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according to user-provided commands. The terminal includes software that can be downloaded via the data stream or installed locally. The control data in the data stream is used to provide an on-screen graphical display on the television that allows the user to select the audio and video which correspond to certain areas of the football stadium, for example. Optionally, the viewer may select alternative story lines in a movie or similar program. A default setting provides primary audio and video signals. Alternative audio and video signals are selected by the user and mapped to the channel designator of the primary signal so that the different camera angles and audio feeds may be seen and heard. The viewer is therefore given the opportunity to customize the programming to enhance the entertainment or educational value.

Alten et al. disclose an electronic program schedule system that includes a receiver for receiving broadcast, satellite or cablecast television programs for a plurality of television channels and a tuner for tuning a television receiver to a selected one of the plurality of channels. A data processor receives and stores in a memory television program schedule information for a plurality of television programs to appear on the plurality of television channels. A user control apparatus, such as a remote controller, is utilized by a viewer to choose user control commands and transmit signals in response to the data processor which receives the signals in response to user control commands. A television receiver is used to display the television programs and television program schedule information. A video display generator receives video control commands from the data processor and program schedule information from the memory and displays a portion of the program schedule information in overlaying relationship with a television program appearing on a television

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channel in at least one mode of operation of the television programming guide. The data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen one of the plurality of television programs in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver.

Wugofski et al. discloses a system for managing favorite channel lists on a television, personal computer or PC/TV convergence environment is disclosed. The favorite channel lists are dynamically created by a computerized system rather than manually created by a user who specifically identifies a set of channels to be included in the favorite channel list. In one embodiment of the invention, the computerized system generates a list of favorite channels based on a theme selected by the user. In another embodiment of the invention, the computerized system generates a list of favorite channels based on the channels most frequently viewed by the user.

Rejection of Claim 24 under 35 USC 102(e) over

Schneidewend et al. (U.S. 6,249,420).

Claim 24

Reversal of the rejection of claim 24 under 35 U.S.C. 102(e) as being unpatentable over Schneidewend et al. is respectfully requested. The rejection erroneously states that claim 24 is anticipated by Schneidewend et al. for the reasons discussed hereinbelow.

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Schneidenweld et al. disclose a video processing system wherein individual program channels are allocated first and second identification numbers. However, Schneidenweld et al. neither discloses nor suggests "a system for tuning to a acquire packetized program information comprising a program convey on one of a plurality of broadcast channels identified by a physical transmission number corresponding to a virtual channel" as in the present claimed invention. The Examiner cites column 6, lines 32 – 35 of Schneidenweld et al. in support of his assertion that "a physical transmission number corresponding to a virtual channel". Applicant respectfully disagrees. Specifically, in the portion of Schneidenweld et al. cited by the Examiner, Schneidenweld et al. disclose a first identification number corresponding to a broadcast channel and a second identification number corresponding to sub-channels contained on the broadcast channel. This is not equivalent to the system of the present claimed invention which includes an additional hierarchical layer, i.e. "the virtual channel and a virtual channel identification number of said virtual channel". This distinction is further made clear when looking to col. 4, lines 53 – 57 of Schneidenweld et al. which clearly states "an RF or Physical Transmission Channel (PTC) refers to an allocated broadcaster transmission channel band which encompasses one or more sub-channels (also termed virtual or logical channels)". Therefore, the virtual channels in Schneidenweld et al. are the sub-channels and the first identification number correspond to the PTC and the minor number corresponds to the sub-channels. This is not the design as claimed in claim 24 of the present invention. Rather, the present claimed invention discloses "a physical transmission number corresponding to a virtual channel". Schneidenweld et al. neither discloses nor suggests this feature.

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Additionally, the present claimed invention recites that "said virtual channel including a major number associated with an information provider and a group of subchannels and a minor number identifying a sub-channel from among said group of sub-channels". This element is also clearly neither disclosed nor suggested by Schneidenweld et al. In fact, in Schneidenweld et al. the first identification number corresponds directly with the RF channel and the second identification number corresponds with the virtual sub-channels. This clearly shows the different arrangement of the two systems. Specifically, the first identification number of Schneidenweld et al. is associated with the RF channel and the second identification number is associated with the virtual sub-channels on the RF channel. Applicant respectfully submits that "the first identification number" cannot possibly be equivalent to both the "physical transmission number" as well as "a major number associated with an information provider" associated with "said virtual channel" as implied by the Examiner. Therefore, it is clear that the "physical transmission number" is a novel and inventive aspect of the present invention as claimed in claim 24 and is neither disclosed nor suggested by Schneidenweld et al.

Furthermore, since Schneidenweld et al. neither disclose nor suggest "a physical transmission number corresponding to a virtual channel", Schneidenweld et al. also cannot possibly disclose "the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number" as in the present claimed invention. The Examiner cites the same portion of Schneidenweld et al. as disclosing this feature. However, as discussed above, the first identification or major number of Schneidenweld et al. is not equivalent to "the physical transmission number" of

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the present claimed invention. Therefore, the added hierarchical level disclosed in the present claimed invention requires there be "a physical transmission number corresponding to a virtual channel and a virtual channel identification number of said virtual channel". Thereafter, the present claimed invention clearly recites that the "virtual channel" includes "a major number associated with an information provider and a group of sub-channels and a minor number identifying a sub-channel fro among said group of sub-channels". This is not the orientation disclosed by Schneidenweld et al. that discloses a first number identifying an RF channel and a second number identifying sub-channels on the RF channel. Therefore, applicant respectfully submits that the step of "navigating within a first list" as claimed in the present invention is also neither disclosed nor suggested by Schneidenweld et al. Thus, it is further respectfully submitted that the present invention as claimed in claim 24 is not anticipated by Schneidenweld et al.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure provided by Schneidenweld et al. that anticipates the present invention as claimed in claim 24 of the present invention. Therefore, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claims 1 – 6 and 8 – 11 under 35 USC 103(a)  
over Sugiyama et al. (U.S. 6,313,886) in view of Newberry et al. (U.S. 5,625,406).

Claims 1- 6 and 8 – 11

Reversal of the rejection of claims 1- 6 and 8 – 11 under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. in view of Newberry et al. is respectfully requested. The

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rejection erroneously states that claims 1 - 6 and 8 – 11 are obvious over Sugiyama et al. in view of Newberry et al. for the reasons discussed hereinbelow.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroya, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), cert. denied, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), cert. denied, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

Sugiyama discloses a system able to tune transmission channels that transmit either PSIP transport streams or non-PSIP transport streams (see Sugiyama, col. 2, lines 56-59). However, the system disclosed by Sugiyama does not perform the same functions as

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performed by the system as claimed in claim 1 of the present invention. Specifically, Sugiyama neither discloses nor suggests "determining said identified broadcast channel as being either analog or digital" as in the present claimed invention. The Examiner erroneously cites col. 4, lines 12 -22 in support of his assertion that Sugiyama discloses "determining said identified broadcast channel as being either analog or digital". What Sugiyama actually discloses in this section is that the system is able to tune both analog and digital signals. Sugiyama makes no mention in this section or elsewhere of the necessity of "determining said identified broadcast channel as being analog or digital" as in the present claimed invention. Furthermore, applicant respectfully submits that the system disclosed by Sugiyama would not need for this determination to be made as it is unrelated the purpose of the system disclosed thereby. Specifically, the system of Sugiyama, as discussed above, is merely concerned with tuning a channel having either a PSIP transport stream or a non-PSIP transport stream. Therefore, the purpose of the system is to provide an apparatus and method for receiving two different types of digital transport streams each having different structure, PSIP versus non-PSIP. Thus, while Sugiyama includes an analog tuner able to tune analog signals, the tuned and received analog signals are irrelevant to the proper and intended functioning of the system disclosed by Sugiyama. Therefore, it is respectfully submitted that the step of "determining said identified broadcast channel as being either analog or digital" as in the present claimed invention is neither disclosed nor suggested by Sugiyama.

Additionally, in view of the above remarks regarding the step of "determining said identified broadcast channel" of the present claimed invention, and as stated by the

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Examiner in the rejection currently being appealed, Sugiyama neither discloses nor suggests "acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of said identified broadcast channel when determined to be analog" as in the present claimed invention. Furthermore, the intention of the system disclosed by Sugiyama is to tune differently structured digital signals not "determining said identified broadcast channel as being either analog or digital" as in the present claimed invention. Therefore, contrary to the Examiner's assertion, Sugiyama also neither discloses nor suggests "acquiring program guide information transmitted on said identified broadcast channel, wherein...said program guide information is received from packetized program information of said identified broadcast channel when determined to be digital" as in the present claimed invention.

Furthermore, as Sugiyama neither discloses nor suggests "acquiring program guide information on said identified broadcast channel" as discussed hereinabove and as claimed in claim 1 of the present invention, Sugiyama cannot possibly disclose a system for "acquiring said packetized program information comprising a program conveyed on said individual broadcast channel using said acquired program guide information" as in the present claimed invention. Specifically, Sugiyama does not "acquire program guide information" based on whether the result of "determining said identified broadcast channel as being analog or digital" as in the present claimed invention. Rather, Sugiyama merely discloses tuning at a signal that has either a PSIP transport stream or a non-PSIP transport stream, both of which are digital signals. Therefore, because Sugiyama neither discloses

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nor suggests "acquiring program guide information" in the manner claimed in claim 1 of the present claimed invention, Sugiyama cannot possibly "acquire packetized program information...using said acquired program guide information" as in the present claimed invention due to the Sugiyama lacking the proper information to be used, i.e., "said acquired program guide information", as required by the present claimed invention.

Due to Sugiyama's clear silence on the handling of analog signals, and specifically, "acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of said identified broadcast channel when determined to be analog", the Examiner cites Newberry et al. as disclosing the above feature. Newberry et al. do in fact disclose this feature. However, Newberry et al. is a system for receiving either analog or digital signals wherein each of the signals may include a program guide which is obtained and displayed in conjunction with a received video signal. This is unlike the present claimed invention. Specifically, Newberry et al., similarly to Sugiyama, neither disclose nor suggest "identifying an individual broadcast channel of said plurality of broadcast channels in response to either of (a) a first channel identification number and (b) a different second channel identification number" as in the present claimed invention. Furthermore, Newberry et al., with Sugiyama, neither disclose nor suggest "acquiring said packetized information comprising a program conveyed on said individual broadcast channel using said acquired program guide information" as in the present claimed invention. In fact, Newberry et al. discloses obtaining the guide information and displaying it with a video signal. This is wholly unlike the present claimed invention which determines they type of

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signal, acquires program guide information based on the determined signal type, and uses this acquired information for acquiring packetized information comprising a program and processing the packetized information to be suitable for display.

Applicant further respectfully submits that there is no motivation to combine the system disclosed by Sugiyama with the system disclosed by Newberry et al. Specifically, it is clear from the above remarks, that Sugiyama is merely concerned with providing a system able to receive differently structured transport streams of a digital signal, ie. PSIP TS and a non-PSIP TS. This is clearly stated in column 4, lines 17 – 24 wherein the digital demodulator demodulates digital signals (i.e. transport streams). While the system of Sugiyama includes the ability to receive analog signals, the object of the system disclosed by Sugiyama, receiving different digital data signals, clearly shows that the use of analog data signals is irrelevant to Sugiyama. In contrast, Newberry et al. discloses a system able to utilize program guide information contained in both analog and digital signals. Thus, at least in premise, the object of Newberry et al. in the broadest sense, i.e. the ability to provide video for display using information obtained from either analog or digital signals, is related to the object of the present claimed invention. However, the directed and claimed goal of the present invention, is unlike the system disclosed by Newberry et al. There is no reason to combine a reference that remedies an existing problem of acquiring different types of digital signals and makes no reference to program guide information with a reference that discloses a manner of acquiring a program guide in either an analog or digital signal and displaying the guide with a video signal. Therefore, applicant

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respectfully submits that it is improper to combine the system of Sugiyama with the system of Newberry et al. as they are drawn to solve entirely different goals.

Furthermore, even if there was motivation to combine the references cited by the Examiner, the resulting system would produce a system able to receive analog and digital signals which is able to parse different types of digital signals for processing and display thereof and further including the ability to display program guides contained in either the analog or digital signal with another video signal currently being displayed. This is wholly unlike the present claimed invention. Specifically, Sugiyama and Newberry et al., when taken alone or in combination, neither disclose nor suggest "determining said identified broadcast channel as being analog or digital" as in the present claimed invention. The ability to receive and/or tune both signals is not equivalent to the above claimed step. This determining step is important because it allows for the system of the present claimed invention to acquire program guide information in a specific and determined manner, i.e. if the signal is analog the information is acquired from the VBI whereas if the signal is digital the information is received from packetized program information. The "acquire program information" is then used for "acquiring said packetized program information comprising a program". This step is also neither disclosed nor suggested in either Sugiyama or Newberry et al, alone or in combination with one another. Therefore, "the tuning process" of the present claimed invention is clearly neither disclosed nor suggested in either Sugiyama or Newberry et al. either alone or in combination with one another. Thus, a combination of Sugiyama with Newberry et al. does not yield the system as claimed in claim 1 of the present invention.

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Claims 2 –6 and 8 – 11 are dependent on independent claim 1 and therefore the arguments presented above are applicable to dependent claims 2 –6 and 8 – 11 thereby rendering claims 2 – 6 and 8 – 11 patentable for the same reasons as discussed above regarding claim 1.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within either Sugiyama or Newberry et al., when taken alone or in combination with one another, that makes the present invention as claimed in independent claim 1 unpatentable. As claims 2 – 6 and 8 – 11 are dependent on independent claim 1, Applicant respectfully submits that claims 2– 6 and 8 – 11 are patentable for the same reasons as discussed above regarding claim 1. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection Claims 12 – 14, 16 and 18 – 20 under 35 USC 103(a)

over Klosterman et al (U.S. 5,550,576) in view of Sugiyama et al. (U.S. 6,313,886).

Claims 12 – 14, 16 and 18 – 20

Reversal of the rejection of claims 12 – 14, 16 and 18 – 20 under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. in view of Sugiyama et al. is respectfully requested. The rejection erroneously states that claims 12 – 14, 16 and 18 – 20 are obvious over Klosterman et al. in view of Sugiyama et al. for the reasons discussed hereinbelow.

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The Examiner cites Klosterman et al. as the primary reference against the present claimed invention but throughout the discussion thereof refers to Eyer. Thus, Applicant assumes that the Examiner meant Klosterman et al. and not Eyer and the following remarks reflect this assumption.

Klosterman et al. disclose a method and apparatus for merging television schedule information received from different sources by mixing and sorting the received information. However, while Klosterman et al. discloses acquiring a plurality of program guides from different sources, Klosterman et al. neither disclose nor suggest "acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number" as in the present claimed invention. Additionally, Klosterman et al. neither disclose nor suggest "acquiring a second program guide, different from said first program guide, containing information mapping said second broadcast channel number to a second different channel number" as in the present claimed invention. The Examiner points out that Klosterman et al. discloses a channel map. However, the channel map disclosed by Klosterman et al. is not equivalent to "information mapping a first broadcast channel number to a first different channel number" or "information mapping said second broadcast channel number to a second different channel number" as in the present claimed invention. Rather, Klosterman et al. disclose that upon merging television guides, that a channel map is created which identifies the available channels and their source (see col. 3, lines 27 - 32). Thus, it follows that Klosterman et al. neither discloses nor suggests "tuning to receive packetized information in said first different

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channel in response to user entry of said first broadcast channel number using said acquired program guide" as in the present claimed invention.

Sugiyama, as discussed above, discloses a system able to tune transmission channels that transmit either PSIP transport streams or non-PSIP transport streams (see Sugiyama, col. 2, lines 56-59). As discussed above, Sugiyama merely discloses tuning two different digital data streams. Tuning a PSIP stream or non-PSIP stream is not equivalent to "acquiring a first program guide" and "acquiring a second program guide" as in the present claimed invention. Additionally, Sugiyama, similarly to Klosterman et al., neither discloses nor suggests, in the step of acquiring, that the acquired program guides contain "information mapping a first broadcast channel number to a first different channel number" as in the present claimed invention. Furthermore, Sugiyama, similarly to Klosterman et al., et al. neither disclose nor suggest "second program guide...containing information mapping said second broadcast channel number to a second different channel number" as in the present claimed invention. Rather, Sugiyama discloses creating a channel mapping information for non-PSIP transport streams. Therefore, Sugiyama cannot possibly disclose "acquiring a first program guide...[and] acquiring a second program guide, different from said first program guide" wherein each of the acquired guides includes mapping information as in the present claimed invention.

Applicant also respectfully disagrees with the Examiner's assertion that Sugiyama, in column 5, lines 60 – 67 and column 6, lines 10 – 33, disclose "tuning to receive packetized program information transmitted on said first different channel in response to

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user entry of said first broadcast channel number using said acquired program guide" as in the present claimed invention. Rather, what is disclosed in the section cited by the Examiner is wholly unlike the present claimed limitation. Specifically, Sugiyama discloses a user selecting a channel and a tuner tuning the selected channel, and upon tuning the selected channel, the device determines whether the transport stream is either a PSIP stream or a non-PSIP stream. Furthermore, Sugiyama discloses obtaining major channel and minor channel numbers, only in the case of a PSIP transport stream, but goes on to clearly state that "[t]he major channel number and minor channel number(s) will be reproduced, together with audio and video, on the television set" (column 6, lines 29 – 33). Thus, if both channel numbers are produced on the television set, the system disclosed by Sugiyama does not tune to receive "packetized program information transmitted on said first different channel in response to user entry of said first broadcast channel number using said acquired program guide" as in the present claimed invention.

Applicant respectfully submits that there is no reason or motivation to combine the system disclosed by Klosterman et al. with the system disclosed by Sugiyama. Specifically, Klosterman et al. is concerned with merging and combining a plurality of different program guides and creating a channel map from them to identify their source. On the other hand, Sugiyama is concerned with tuning in a digital signal having either a PSIP based transport stream or a non-PSIP based transport stream. The transport streams tuned by Sugiyama both do not contain program guides containing either "information mapping a first broadcast channel to a first different channel number" or "information mapping said second broadcast channel number to a second different channel number" as in the present

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claimed invention. By definition there is no information at all contained in the non-PSIP stream which is the ultimate purpose of Sugiyama, to produce a channel map from that type of transport stream. Therefore, tuning of transport streams in Sugiyama is not related to merging program guides from different sources as disclosed by Klosterman et al.

However, even if one were to combine Klosterman et al. with Sugiyama, the resulting system would not produce the system as claimed in claim 12 of the present invention. In fact, the system resulting from combining Klosterman et al. with Sugiyama would produce a system for merging a plurality of program guides and creating a channel map therefrom wherein the program guides would be received on either a PSIP transport stream or a non-PSIP transport stream. This is unlike the present claimed invention. Specifically, this combination neither discloses nor suggests "acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number" as in the present claimed invention. Additionally, the combination neither discloses nor suggests "acquiring a second program guide, different from said first program guide, containing information mapping said second broadcast channel number to a second different channel number" as in the present claimed invention. It is important to note that the channel map is not equivalent to "information mapping" as in the present claimed invention. Additionally, Klosterman et al. is entirely silent regarding the program guides containing specific channel mapping information as required in the present claimed invention, and Sugiyama discloses tuning two transport streams wherein one of them also has no channel mapping information contained therein (the non-PSIP TS). Therefore, the

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combination of these systems would not produce the system as claimed in claim 12 of the present invention.

Claims 13, 14, 16 and 18 – 20 are dependent on independent claim 12 and therefore the arguments presented above are applicable to dependent claims 13, 14, 16 and 18 – 20 thereby rendering claims 13, 14, 16 and 18 – 20 patentable for the same reasons as discussed above regarding claim 1.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within either Klosterman et al. or Sugiyama, alone or in combination with one another, that makes the present invention as claimed in independent claim 12 unpatentable. As claims 13, 14, 16 and 18 – 20 are dependent on independent claim 12, it is respectfully submitted that claims 13, 14, 16 and 18 – 20 are also patentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 7 under 35 USC 103(a) over Sugiyama et al.

(U.S. 6,313,886) and Newberry et al. (U.S. 5,625,406) as applied to claim 1

and further in view of Vancelette (5,894,320).

Claim 7

Reversal of the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. and Newberry et al. as applied to claim 1 and further in view of Vancelette is respectfully requested. The rejection erroneously states that claim 7 is

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obvious over Sugiyama et al. and Newberry et al. as applied to claim 1 and further in view of Vancelette for the reasons discussed hereinbelow.

Claim 7 is dependent on Independent claim 1 and therefore all arguments presented above regarding independent claim 1 are applicable to dependent claim 7. Additionally, similarly to Sugiyama and Newberry et al., Vancellette neither discloses nor suggests a system including "a tuning process" including "determining said identified broadcast channel as being either analog or digital" and "acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of said identified broadcast channel when determined to be analog, and said program guide information is received from packetized program information of said identified broadcast channel when determined to be digital" as in the present claimed invention. Additionally, because none of Sugiyama, Newberry et al., and Vancelette disclose or suggest "acquiring program guide information" in accordance with the principles of the present invention as claimed in claim 1, Sugiyama , Newberry et al., and Vancelette cannot possibly disclose or suggest "acquiring said packetized program information comprising a program conveyed on said individual broadcast channel using said acquired program guide information" as in the present claimed invention.

In addition to its dependence on independent claim 1, claim 7 is also patentable because Vancelette neither discloses nor suggests "said second channel identification number is comprised of two elements, a major number and a minor number, and in absence of user entry of said minor number a default minor number is used" as claimed in claim 7 of

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the present invention. The Examiner cites column 6, lines 6 – 14 and lines 32 – 37 and column 11, lines 20 - 40 in support of the assertion that Vancelette discloses the elements claimed in claim 7 of the present invention. Applicant respectfully disagrees. Specifically, the sections of Vancelette cited by the Examiner are wholly unrelated to "said second channel identification" as in the present claimed invention. Vancelette merely discloses processing audio and video signals from a plurality of cameras able to capture audio and video data for broadcasting thereof. A control message is encoded and transmitted with the audio and video data feeds and contained in this control message is a default channel or default primary signal to be initially displayed on a television. The default channel or signal, however, is wholly unlike using "in absence of user entry of said minor number a default minor number is used" as in the present claimed invention. The default channel in Vancelette refers to an initial signal to be displayed and has nothing to do with "identifying an individual broadcast channel of said plurality of broadcast channels in response to a user entry of...a different second channel identification number" as in the present claimed invention. Moreover, the default channel or signal disclosed by Vancelette is what is automatically and initially displayed, and thus cannot be "in response to a user entry of...a different second channel identification number" as in the present claimed invention. In fact, Vancelette is silent regarding "channel identification number" and the structure thereof and thus neither discloses nor suggests "said second channel identification number is comprised of two elements, a major number and a minor number" as in the present claimed invention.

Applicant further respectfully submits that there is no reason or motivation for one to combine any of Sugiyama, Newberry et al., and Vancelette with one another. As

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discussed above Sugiyama is merely concerned with providing a system able to receive differently structured transport streams of a digital signal, i.e. PSIP TS and a non-PSIP TS. This is clearly stated in column 4, lines 17 – 24 wherein the digital demodulator demodulates digital signals (i.e. transport streams). While the system of Sugiyama includes the ability to receive analog signals, the object of the system disclosed by Sugiyama, receiving different digital data signals, clearly shows that the use of analog data signals is irrelevant to Sugiyama. In contrast, Newberry et al. discloses a system able to utilize program guide information contained in both analog and digital signals. Thus, at least in premise, the object of Newberry et al. in the broadest sense, i.e. the ability to provide video for display using information obtained from either analog or digital signals, is related to the object of the present claimed invention. However, the directed and claimed goal of the present invention is unlike the goal of the system disclosed by Newberry et al. There is no reason to combine a reference that remedies an existing problem of acquiring different types of digital signals and makes no reference to program guide information with a reference that discloses a manner of acquiring a program guide in either an analog or digital signal and displaying the guide with a video signal. Additionally, Vancelette is wholly unrelated to either Sugiyama and Newberry et al. Vancelette is related to a system able to using different cameras at a single event, such as a football game, to capture different viewpoints of the event and then coordinate the captured and transmitted signals for viewing on a television. This object is wholly unrelated to the present claimed invention which discloses a novel tuning process as set forth above in claim 1.

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Furthermore, even if one were to combine Sugiyama, Newberry et al. and Vancelette, the resulting system would not produce the present invention as claimed in either claim 1 or claim 7. The system resulting from the above combination is a system able to receive analog and digital signals which is able to parse different types of digital signals for processing and display thereof and further including the ability to display program guides contained in either the analog or digital signal with another video signal currently being displayed wherein the signals were captured by a plurality of cameras at a single event and further including a default signal defining the initial display of a respective one of the plurality of signals. Thus, it is clear that this is not equivalent to the system as claimed in claims 1 and/or 7 of the present invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within either Sugiyama, Newberry et al. or Vancelette, alone or in combination with one another, that makes the present invention as claimed in independent claim 1 unpatentable. As claim 7 is dependent on independent claim 1, it is respectfully submitted that claim 7 is also patentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

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Rejection of Claim 15 under 35 USC 103(a) over Sugiyama et al.

(U.S. 6,313,886) and Klosterman et al. (U.S. 5,550,576) as applied to claim 12  
and further in view of Vancelette (5,894,320).

Claim 15

Reversal of the rejection of claim 15 under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. and Klosterman et al. as applied to claim 12 and further in view of Vancelette is respectfully requested. The rejection erroneously states that claim 15 is obvious over Sugiyama et al. and Klosterman et al. as applied to claim 12 and further in view of Vancelette for the reasons discussed hereinbelow.

Similarly to both Klosterman et al. and Sugiyama, Vancelette neither discloses nor suggests "acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number" or "acquiring a second program guide, different from said first program guide, containing information mapping said second broadcast channel number to a second different channel number" as in the present claimed invention. Therefore, because Vancelette, similarly to both Klosterman et al. and Sugiyama, do not disclose these steps of acquiring and thus do not acquire first or second program guides having the defined "information mapping" contained therein, Vancelette cannot possibly disclose "tuning to receive packetized program information transmitted on said first different channel in response to user entry of said first broadcast channel number using said acquired program guide" as in the present claimed invention.

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In addition to its dependence on independent claim 12, claim 15 is also patentable because Vancelette neither discloses nor suggests "said second channel identification number is comprised of two elements, a major number and a minor number, and in absence of user entry of said minor number a default minor number is used" as claimed in claim 15 of the present invention. The Examiner cites column 6, lines 6 - 14 and lines 32 - 37 and column 11, lines 20 - 40 in support of the assertion that Vancelette discloses the elements claimed in claim 15 of the present invention. Applicant respectfully disagrees. Specifically, the sections of Vancelette cited by the Examiner are wholly unrelated to "said first broadcast channel identification" as in the present claimed invention. Vancelette merely discloses processing audio and video signals from a plurality of cameras able to capture audio and video data for broadcasting thereof. A control message is encoded and transmitted with the audio and video data feeds and contained in this control message is a default channel or default primary signal to be initially displayed on a television. The default channel or signal, however, is wholly unlike using "in absence of user entry of said minor number a default minor number is used" as in the present claimed invention. In fact, Vancelette is silent regarding "channel identification number" and the structure thereof and thus neither discloses nor suggests "said first broadcast channel identification number is comprised of two elements, a major number and a minor number" as in the present claimed invention.

Applicant respectfully submits that there is no reason or motivation to combine system disclosed by Klosterman et al. with the system disclosed by Sugiyama and/or the system disclosed by Vancelette. Specifically, Klosterman et al. is concerned with

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combining a plurality of different program guides and creating a channel map from them to identify their source. On the other hand, Sugiyama is concerned with tuning a digital signal having either a PSIP transport stream or a non-PSIP transport stream. The transport streams tuned by Sugiyama both do not contain program guides containing either "information mapping a first broadcast channel to a first different channel number" or "information mapping said second broadcast channel number to a second different channel number" as in the present claimed invention. By definition there is no information at all contained in the non-PSIP stream which is the ultimate purpose of Sugiyama, to produce a channel map from that type of transport stream. Therefore, tuning of transport streams in Sugiyama is not related to merging program guides from different sources as disclosed by Klosterman et al. Additionally, Vancelette is wholly unrelated to either Sugiyama and Klosterman et al. Vancelette is related to a system able to using different cameras at a single event, such as a football game, to capture different viewpoints of the event and then coordinate the captured and transmitted signals for viewing on a television. This object is wholly unrelated to the present claimed invention which discloses a novel system for acquiring packetized program information as claimed in claim 12 and 15 of the present invention.

However, even if one were to combine Klosterman et al. with any of Sugiyama or Vancelette, the resulting system would not produce the system as claimed in claim 15 of the present invention. In fact, the system resulting from combining Klosterman et al. with Sugiyama and Vancelette produces a system for merging a plurality of program guides and creating a channel map therefrom wherein the program guides would be received on either a

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PSIP transport stream or a non-PSIP transport stream wherein the stream includes a plurality of signals captured a singular event on different channels and from different vantage points wherein a default signal is chosen for initial display on the television. This is clearly not the present claimed invention as claimed in either claim 12 or claim 15 of the present invention as described above.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within either Klosterman et al., Sugiyama, or Vancelette, alone or in combination with one another, that makes the present invention as claimed in independent claim 12 unpatentable. As claim 15 is dependent on independent claim 12, it is respectfully submitted that claim 15 is also patentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of claims 25 - 29 under 35 USC 103(a) over  
Schneidewend et al. (U.S. 6,249,420) in view of Alten et al. (US2002/0049973A1)

Claims 25 - 29

Reversal of the rejection of claims 25 - 29 under 35 U.S.C. 103(a) as being unpatentable over Schneidewend et al. in view of Alten et al. is respectfully requested. The rejection erroneously states that claims 25 - 29 is anticipated by Schneidewend et al. in view of Alten et al. for the reasons discussed hereinbelow.

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Claims 25 – 29 are considered patentable due to their dependence on independent claim 24 as discussed hereinabove. Therefore, the arguments presented above regarding independent claim 24 are applicable to claims 25 – 29.

Additionally, similarly to Schneidewend et al., Alten et al. neither discloses nor suggests “a system for tuning to a acquire packetized program information comprising a program convey on one of a plurality of broadcast channels identified by a physical transmission number corresponding to a virtual channel” as in the present claimed invention. Additionally, similarly to Schneidenweld et al., Alten et al. neither disclose nor suggest that “said virtual channel including a major number associated with an information provider and a group of subchannels and a minor number identifying a sub-channel from among said group of sub-channels” as in the present claimed invention. Furthermore, since neither Schneidenweld et al. nor Alten et al. neither disclose nor suggest “a physical transmission number corresponding to a virtual channel”, Schneidenweld et al. and Alten et al. also cannot possibly disclose “the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number” as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within either Schneidenweld et al. or Alten et al., alone or in combination with one another, that makes the present invention as claimed in independent claim 24 unpatentable. As claims 25 – 29 are dependent on independent claim

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24, it is respectfully submitted that claims 25 – 29 are also patentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claim 17 under 35 USC 103(a) over Sugiyama et al.

(U.S. 6,313,886) and Klosterman et al. (U.S. 5,550,576) as applied to claim 12  
and further in view of Wugofski et al. (2003/0056216).

Claim 17

Reversal of the rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over Sugiyama et al. and Klosterman et al. as applied to claim 12 and further in view of Wugofski et al. is respectfully requested. The rejection erroneously states that claim 17 is obvious over Sugiyama et al. and Klosterman et al. as applied to claim 12 and further in view of Wugofski et al. for the reasons discussed hereinbelow.

Similarly to both Klosterman et al. and Sugiyama, Wugofski et al. neither disclose nor suggest “acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number” or “acquiring a second program guide, different from said first program guide, containing information mapping said second broadcast channel number to a second different channel number” as in the present claimed invention. Therefore, because Wugofski et al., similarly to both Klosterman et al. and Sugiyama, do not disclose these steps of acquiring and thus do not acquire first or second program guides having the defined “information mapping” contained therein, Wugofski et al. cannot possibly disclose “tuning to receive packetized program information transmitted on said first different channel in response to user entry of said first

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broadcast channel number using said acquired program guide" as in the present claimed invention.

If one were to combine Klosterman et al. with any of Sugiyama or Wugofski et al., the resulting system would not produce the system as claimed in claim 17 of the present invention. In fact, the system resulting from combining Klosterman et al. with Sugiyama and Wugofski et al. produces a system for merging a plurality of program guides and creating a channel map therefrom wherein the program guides would be received on either a PSIP transport stream or a non-PSIP transport stream wherein the system is able to manage a list of favorite channels based on the system monitoring the user's use of the system. This is clearly not the present claimed invention as claimed in either claim 12 or claim 17 of the present invention as described above.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure contained within either Klosterman et al., Sugiyama, or Wugofski et al., alone or in combination with one another, that makes the present invention as claimed in independent claim 12 unpatentable. As claim 17 is dependent on independent claim 12, it is respectfully submitted that claim 17 is also patentable. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

#### VIII CONCLUSION

Sugiyama, Newberry et al. and Vancelette neither disclose nor suggest a system for acquiring information as claimed in claims 1 - 11 of the present invention.

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Specifically, Suigyma, Newberry et al. and Vancelette neither disclose nor suggest "said tuning process comprises the steps of: determining said identified broadcast channel as being either analog or digital" as in the present claimed invention. Additionally, Suigyma, Newberry et al. and Vancelette neither disclose nor suggest "acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of said identified broadcast channel when determined to be analog, and said program guide information is received from packetized program information of said identified broadcast channel when determined to be digital" as in the present claimed invention. Furthermore, Suigyma, Newberry et al. and Vancelette neither disclose nor suggest "acquiring said packetized program information comprising a program conveyed on said individual broadcast channel using said acquired program guide information" as in the present claimed invention.

Additionally, Suigyma, Klosterman et al., Vancelette and Wugofski et al. neither disclose nor suggest a system for acquiring packetized program information as claimed in claims 12 – 20 of the present invention. Specifically, Suigyma, Klosterman et al., Wugofski et al. and Vancelette neither disclose nor suggest "acquiring a first program guide containing information mapping a first broadcast channel number to a first different channel number, said acquired program guide being one of a plurality of different available program guides" as in the present claimed invention. Suigyma, Klosterman et al., Wugofski et al. and Vancelette also neither disclose nor suggest "acquiring a second program guide, different from said first program guide, containing information mapping

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said second broadcast channel number to a second different channel number, said second acquired program being one of said plurality of different available program guides" as in the present claimed invention. Furthermore, Suigama, Klosterman et al., Wugofski et al. and Vancelette neither disclose nor suggest "tuning to receive packetized program information transmitted on said first different channel in response to user entry of said first broadcast channel number using said acquired program guide" as in the present claimed invention.

Furthermore, neither Schneidenweld et al. nor Alten et al. disclose a system for tuning to acquire packetized program information as claimed in claims 24 – 29 of the present invention. Specifically, both Schneidenweld et al. nor Alten et al. fail to disclose "a system for tuning to a acquire packetized program information comprising a program convey on one of a plurality of broadcast channels identified by a physical transmission number corresponding to a virtual channel" as in the present claimed invention. Additionally, Schneidenweld et al. and Alten et al. neither disclose nor suggest that "said virtual channel including a major number associated with an information provider and a group of subchannels and a minor number identifying a sub-channel from among said group of sub-channels" as in the present claimed invention. Furthermore, since neither Schneidenweld et al. nor Alten et al. neither disclose nor suggest "a physical transmission number corresponding to a virtual channel", Schneidenweld et al. and Alten et al. also cannot possibly discloses "the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number" as claimed in claims 24 – 29 of the present claimed invention.

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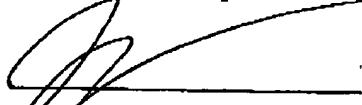
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Accordingly it is respectfully submitted that the rejection of Claims 1– 20 and 24 – 29 should be reversed.

Respectfully submitted,

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APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) In a video decoder, a system for acquiring information comprising a program conveyed on one of a plurality of broadcast channels, comprising the steps of:

identifying an individual broadcast channel of said plurality of broadcast channels in response to user entry of either of, (a) a first channel identification number and (b) a different second channel identification number;

tuning to receive said identified individual broadcast channel  
wherein said tuning process comprises the steps of:

determining said identified broadcast channel as being either  
analog or digital;

acquiring program guide information transmitted on said identified broadcast channel, wherein said program guide information is transmitted in the vertical blanking interval (VBI) of said identified broadcast channel when determined to be analog, and said program guide information is received from packetized program information of said identified broadcast channel when determined to be digital;

acquiring said packetized program information comprising a program conveyed on said individual broadcast channel using said acquired program guide information; and

processing said packetized program information to be suitable for display.

2. (original) A system according to claim 1, wherein  
said first channel identification number is a transmission channel  
identification number, and

said second channel identification number is a virtual channel  
identification number.

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3. (original) A system according to claim 2, including the step of displaying said second channel identification number together with said program, in response to entry of said first channel identification number.
4. (original) A system according to claim 1, wherein said second channel identification number is comprised of two elements, a major number and a minor number.
5. (original) A system according to claim 4, including the step of displaying said major number and minor number together with said program, in response to entry of said first channel identification number.
6. (original) A system according to claim 2, including the step of displaying said first channel identification number together with said program in response to entry of said second channel identification number.
7. (original) A system according to claim 1, wherein said second channel identification number is comprised of two elements, a major number and a minor number, and in absence of user entry of said minor number a default minor number is used.
8. (original) A system according to claim 1, wherein said second channel identification number comprises a major number and a minor number, wherein said major number is associated with both an information provider and a group of sub-channels, and said minor number identifies a sub-channel from among said group of sub-channels.

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9. (original) A system according to claim 8, wherein  
said first channel identification number is a transmission channel  
identification number, and

said tuning step includes tuning to receive a sub-channel comprising said  
identified individual broadcast channel in response to user entry of said transmission  
channel identification number and said minor number.

10. (original) A system according to claim 1, wherein  
in said identifying step said individual broadcast channel is identified  
using acquired program guide information.

11 . (original) A system according to claim 1, including the step of  
searching a database to identify an individual broadcast channel of  
said plurality of broadcast channels in response to user entry of either of, said first  
channel identification number and said different second channel identification number.

12. (Previously Presented) In a video decoder, a system for acquiring  
packetized program information comprising a program conveyed on one of a  
plurality of broadcast channels, comprising the steps of:

acquiring a first program guide containing information mapping a first  
broadcast channel number to a first different channel number, said acquired program  
guide being one of a plurality of different available program guides;

acquiring a second program guide, different from said first program  
guide, containing information mapping said second broadcast channel number to a  
second different channel number. said second acquired program being one of said  
plurality of different available program guides,

tuning to receive packetized program information transmitted on said first  
different channel in response to user entry of said first broadcast channel number using  
said acquired program guide;

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acquiring packetized program information comprising a program conveyed on said first different channel.

13. (Previously Presented) A system according to claim 12, wherein said first broadcast channel number is a virtual channel identification number, and

said first different channel number is a transmission channel identification number.

14. (original) A system according to claim 12, wherein said first broadcast channel number is comprised of two elements, a major number and a minor number,

15. (original) A system according to claim 12, wherein said first broadcast channel number is comprised of two elements, a major number and a minor number, and in absence of user entry of said minor number, a default minor number is used.

16. (original) A system according to claim 14, wherein said major number is associated with a broadcast information provider.

17. (Previously Presented) A system according to claim 12, including the step of

selecting said second program guide and corresponding channel mapping information over said first program guide information when said first broadcast number and said second broadcast number are the same

18. (Previously Presented) A system according to claim 12, including the step of

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displaying at least one of, (a) said first broadcast channel number, and (b) said first different channel number, together with said program, in response to user entry of said first broadcast channel number.

19. (original) A system according to claim 18, wherein  
said first broadcast channel number comprises a major number and  
a minor number, wherein

said major number is associated with both an information provider  
and a group of sub-channels, and

said minor number identifies a sub-channel from among said group  
of sub-channels.

20. (Previously Presented) A system according to claim 12, wherein  
said first broadcast channel number comprises a major number and  
a minor number, wherein

said major number is associated with both an information provider  
and a group of sub-channels, and

said minor number identifies a sub-channel from among said group  
of sub-channels, and

said first different channel number is a transmission channel  
identification number, and

said tuning step includes tuning to receive a sub-channel comprising  
said second channel in response to user entry of said transmission channel  
identification number and said minor number.

Claims 21-23 (cancelled)

24. (Previously Presented) In a video decoder, a system for tuning to  
acquire packetized program information comprising a program conveyed on one of a  
plurality of broadcast channels identified by a physical transmission number

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corresponding to a virtual channel and a virtual channel identification number of said virtual channel including a major number associated with an information provider and a group of sub-channels and a minor number identifying a sub-channel from among said group of sub-channels, comprising the steps of:

navigating within a first list, including a plurality of broadcast channels, to identify and select a broadcast channel and an associated virtual channel identification number, in response to user activation of a first navigation control, wherein the physical transmission number corresponding to said virtual channel identified number is displayed with said virtual channel identification number;

navigating within a second list of a group of sub-channels associated with said selected broadcast channel to identify and select a sub-channel and an associated minor number, in response to user activation of a second navigation control;

tuning to receive a selected broadcast channel using said selected virtual channel identification number; and

acquiring packetized program information comprising a program conveyed on said broadcast sub-channel using said minor number.

25. (original) A system according to claim 24, wherein  
said first navigation control comprises a control for incrementally or  
decrementally traversing through numbered broadcast channels, and  
said second navigation control comprises a control for incrementally or  
decrementally traversing through numbered sub-channels.

26. (original) A system according to claim 24, wherein  
said first and second navigation controls use the same user  
activated remote control unit button.

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27. (original) A system according to claim 24, wherein  
said first and second navigation controls use different user activated  
remote control unit buttons.

28. (original) A system according to claim 24, wherein  
said first navigation control comprises a control for incrementally or  
decrementally traversing through a displayed menu listing numbered broadcast channels,  
and

said second navigation control comprises a control for incrementally or  
decrementally traversing through a displayed menu listing numbered sub-channels.

29. (original) A system according to claim 24, including the steps of  
generating a displayed menu listing numbered broadcast channels  
incrementally or decrementally traversed in response to said first navigation control, and  
generating a displayed menu listing numbered sub-channels incrementally or decrementally  
traversed in response to said second navigation control.

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APPENDIX II - EVIDENCE

Applicant relies on no other evidence aside from the arguments presented above in  
this Appeal Brief

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APPENDIX III - RELATED PROCEEDINGS

Applicant is unaware of any other related proceedings in this case.

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## APPENDIX IV - TABLE OF CASES

1. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
2. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933 (Fed. Cir. 1984)
3. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
4. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
5. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)

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## APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. No.</u>	<u>Issued Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
6,249,320	June 19, 2001		Scneiderwend et al.
6,313,886	November 6, 2001		Sugiyama
5,625,406	April 29, 1997		Newberry et al.
5,894,320	April 13, 1999		Vancelette
5,550,576	August 27, 1996		Klosterman
<u>U.S. Pat. Pub No.</u>	<u>Publication Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
2002/0049973A1	March 20, 2003		Alten et al.

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